

MINUTES OF MEETING
OF THE INDUSTRIAL COMMISSION OF ARIZONA
Held at 800 West Washington Street
Conference Room 308
Phoenix, Arizona 85007
Thursday, September 11, 2014 – 1:00 p.m.

Present:	David M. Parker	Chairman (video conference)
	Susan Strickler	Vice Chair
	Michael G. Sanders	Member
	Joseph M. Hennelly, Jr.	Member
	Laura M. McGrory	Director
	Andrew Wade	Chief Counsel
	Sylvia Simpson	Chief Financial Officer
	Renee Pastor	Accounting Department
	William Warren	ADOSH Director
	Christopher Brandon	Compliance Officer
	Brian Downen	Compliance Officer
	Kara Dimas	Commission Secretary

Chairman Parker convened the Commission meeting at 1:00 p.m. noting a quorum present. Also in attendance was Jason Weber of Snell & Wilmer and Jeremy Bethancourt. Chairman Parker requested a moment of silence for the thirteenth anniversary of September 11th in honor of those that served and fell on that day.

Approval of Minutes of August 28, 2014 Regular Meeting and September 4, 2013 Regular Meeting.

Mr. Parker announced that the Executive Minutes for August 28, 2014 are not ready for signature and will be added to the next Notice of Meeting and Agenda. The Commission unanimously approved the Minutes of August 28, 2014 General Session on motion of Ms. Strickler, second of Mr. Sanders. The Commission approved the Minutes of September 4, 2014 General Session on motion of Mr. Sanders, second of Mr. Hennelly. The motion passed with three votes in favor and none against. Ms. Strickler was not in attendance on September 4, 2014 and did not vote.

Consent Agenda:

Approval of Proposed Civil Penalties Against Uninsured Employers.

1. 2C13/14-1844 AZ Confident Courier Corporation, dba AZ Confident Courier
2. 2C14/15-0196 Bricks, Reynolds Family Restaurant & Lounge, L.L.C., dba Bricks
3. 2C13/14-0307 Kenton Equipment Service, LLC
4. 2C14/15-2176 Pedro Santos & Josefina Santos, h/w, dba Aidagua Cleaning Solutions

5. 2C11/12-2755 Randy Reid, a single man, dba City Wide Metals

b. Approval of Requests for Renewal of Self-Insurance Authority.

1. Dole Food Company, Inc.
2. Arizona Municipal Risk Retention Pool.
3. Macy's, Inc.

Chairman Parker stated that agenda items 3b(2) would be removed from the consent agenda. The Commission unanimously approved the remaining items on the consent agenda on motion of Ms. Strickler, second of Mr. Hennelly.

Vice-Chair Strickler took over chair of the meeting for the following agenda item only.

Discussion & Action of Request for Renewal of Self-Insurance Authority

Arizona Municipal Risk Retention Pool – Chairman Parker recused himself from consideration of this agenda item. Mr. Sanders asked about the four types of exposure, funding, the increase in claim, and tax plan A. Ms. Pastor responded to the questions. The Commission approved renewal of self-insurance authority on motion of Mr. Sanders, second of Mr. Hennelly with a vote of three in favor of the motion and none against. Mr. Parker did not participate in the vote.

Chairman Parker resumed chair of the meeting.

Discussion and/or Action regarding Residential Fall Protection and Federal OSHA's Notice of Initiation of Proceedings to Reject State Initiated Plan Change No. 133, and Reconsider Arizona's State Plan Authority under Section 18(e) of the Occupational Safety and Health Act. The Commission may move into Executive Session under A.R.S. §§ 38-431.03(A)(3) and (A)(4) to consult with its attorneys to obtain legal advice and to consider its position and instruct its attorneys regarding pending or contemplated litigation.

Mr. Wade stated there was nothing new to report at this time.

Discussion and Action of Arizona Division of Occupational Safety and Health Proposed Citations and Penalties.

Mr. Warren requested that Knight Transportation, Inc. dba Arizona Hay Press, LLC be removed from the agenda.

Cochise County Roofing and Referrals, LLC	Fatality/Accident	
PO Box 1810	Years in Business:	3
Sierra Vista, AZ 85636	Empl. Covered by inspection:	1
Site Location:	10050 E Swallow Tail Ln	
	Hereford, AZ 85615	
Inspection No:	P0775-317772812	
Inspection Date:	6/12/2014	

SERIOUS – Citation 1 - Item 1 – Job site: A site specific written residential fall protection plan was not prepared and implemented to reduce or eliminate hazards for employees engaged in roofing activities six feet or more above lower levels. (A.R.S. § 23-492(07)(A)(1)).

Div. Proposal - \$7,000.00

Formula Amt. - \$7,000.00

SERIOUS – Citation 1 - Item 2 – Job site: Three employees were not provided with fall protection training. (A.R.S. § 23-492(09)).

Div. Proposal - \$1,500.00

Formula Amt. - \$1,500.00

SERIOUS – Citation 1 - Item 3 – Job site: The ADOSH office was not notified within eight hours of the death of an employee from a work-related accident. (1904.39(a)).

Div. Proposal - \$1,500.00

Formula Amt. - \$1,500.00

TOTAL PENALTY - \$10,000.00

TOTAL FORMULA AMT. - \$10,000.00

Mr. Warren summarized the citation and proposed penalty as listed and responded to questions from the Commissioners. Mr. Warren identified and corrected two typographical errors in the materials supplied to the Commissioners regarding the cited statutes. Mr. Sanders asked the age of the employee that passed away and if the autopsy showed any other contribution to the cause of death and Mr. Warren responded to the question. Mr. Parker asked about citing in the alternative and Mr. Wade and Ms. McGrory responded to the question. Ms. Strickler asked why the employer did not contact ADOSH within the required 8 hours and Mr. Warren responded that the employer is a small company and the employer reportedly did not know of the requirement. Mr. Sanders asked whether any of the other employees witnessed the fall and Mr. Warren responded to the question. The Commission unanimously approved issuing the citation and assessed the recommended penalty of \$10,000.00 on motion of Mr. Hennelly, second of Mr. Sanders.

Akowski Masonry, Inc.
3363 W Sunset Rd
Tucson, AZ 85752

Planned

Years in Business:

14

Empl. Covered by inspection:

6

Site Location: 6125 E Speedway Blvd
Tucson, AZ 85712

Inspection No: B7667-317772960

Inspection Date: 6/18/2014

SERIOUS – Citation 1 - Item 1 – South wall: Four employees were observed working from a tubular welded frame scaffold 18' in height above the ground level, that did not have guardrails installed on all open sides of the platform. (1926.451(g)(4)(i)).

Div. Proposal - \$2,000.00

Formula Amt. - \$2,000.00

SERIOUS – Citation 1 - Item 2 – South wall scaffold: Four employees who were observed working from a tubular welded frame scaffold 18' in height, 5' in width and 60' in width, were not trained in the recognition of those hazards associated with the type of scaffold being used and the procedures to control and minimize those hazards. (1926.454(a)).

Div. Proposal - \$2,000.00

Formula Amt. - \$2,000.00

TOTAL PENALTY - \$4,000.00

TOTAL FORMULA AMT. - \$4,000.00

